

Appl. No. : 10/635,500
Applicant : TUSSING et al.
Filed : August 7, 2003
TC/A.U. : 3747
Examiner : Willis Ray Wolfe, Jr.

Confirmation No. 1419

Docket No. : 1110-280
Cust. No. : 06449

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Dear Sir:

We, Brian L. Tussing, David O. Britner and Stephen M. Geyer, declare as follows:

1. We are the same Brian L. Tussing, David O. Britner and Stephen M. Geyer named as co-inventors in the above-identified U.S. patent application. We are executing this declaration on behalf of ourselves.

2. Attached hereto as Exhibit A is a copy of an email disclosing the invention, the original of which was sent in the United States prior to July 30, 2001, although the actual date has been deleted on the attached copy. The invention disclosure presented in Exhibit A establishes conception of the invention in the United States prior to July 30, 2001, after which the above-referenced application was prepared with due diligence and diligently filed on August 7, 2003. The accompanying Exhibit A thus establishes conception of the invention set forth in the claims in the above-referenced application prior to July 30, 2001, coupled with due diligence from prior to that date to the August 7, 2003 filing date of the present application.

3. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that

Application Serial No. 10/635,500
Declaration under 37 C.F.R. §1.131
Reply to Office action of August 7, 2004

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dec. 2, 2004

Date

Brian L. Tussing

Brian L. Tussing

DEC 2, 2004

Date

David O. Britner

David O. Britner

Dec 2, 2004

Date

Stephen M. Geyer

Stephen M. Geyer

Attachment: Exhibit A

1110-280.rule_1.131-dec

Date Sent:

From: john-ces@smtp (John Cesanek) {john_cesanek@macktrucks.com}

To: GREPPER@ROTHWELL (George Repper),
brain-tu@smtp (brain.tussing) {brain.tussing@memo.macktrucks.com}

Subject: RE: FWD: Patent: CAC Bypass Sys'

George,

The following numbers have been assigned. Your ref # will be 1110-280 Ours E-01-04. Title: "Charge-Air Cooler Bypass Valve/System (CAC Bypass". Keep in mind these numbers are for your legal advise on weather we should include G.W. Lisk, the valve or component vendor, to the patent (joint or solo Mack patent). As soon as someone tell me which way it is I than will have Hagerstown fill out a Disclosure form which than will have the same numbers. As for now do not do a patent search until instructed by me.

thanks John C.

George Repper wrote:

> John,

>

> please provide an 1110- number for this case, and also provide your ref. #.

>

> George

>

> ===== Original Message from BRIAN-TU@smtp (TUSSING-BRIAN)

> {BRIAN.TUSSING@macktrucks.com} at

> --- Received from MACDGA.BT1891H (301)-790-5866

>

> George,

>

> Please review both my memo to John Cesanek, below, and the
> attached system description - cby_summ.doc (cac-by-2 is a "spec's
> sheet",...details, dry,...likely more than you want).

>

> The question/issue at hand is, as seen below, "2)", "NOTE",...
> should we include G.W. Lisk, the valve or component vendor, to the
> patent (joint or solo Mack patent). John thinks that we ought to
> file it just a Mack patent, but wanted me to get your legal advice
> as well.

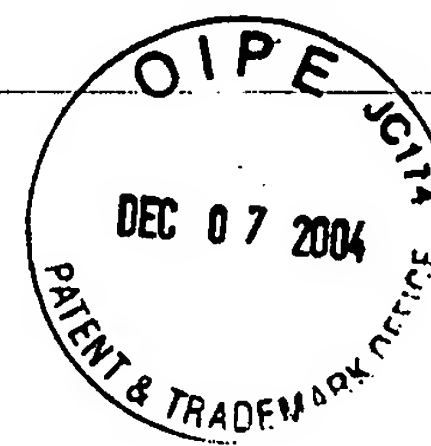
>

> To add to below's description,... Mack had the original
> concept (functionally), and some valve design concepts,
> sketches,... We gave the "spec sheet" (like attached file),
> wanted it to be 2-ports/valves, inversely proportional, housed in
> 1 valve-body. Then, G.W. Lisk proposed a 2-port/1-valve body
> design, that was inversely proportional (looked like a 2-barrel
> WEBER/Italian carburetor, 2 barrels into 1, w/ butterfly plates at
> a 90-deg angle to each other - thus inversely proportional).
> Their idea was good, simpler than ours, functional similar,... but
> created much too large of external package to fit all of our ~8+
> truck chassis'. My design concept, shown in FIGURE 1 or
> "cbysumm.doc", greatly reduced the packaging size required, and
> was the key factor in allowing us to fit the system in all ~8+
> chassis. G.W. Lisk took our design from there, to finished part
> drawings, and assembly drawings (w/ many, numerous design
> refinements, between Mack & G.W. Lisk).

>

> SUMMARIZED: Our system concept, our system "spec's", our valve
> design concept, jointly design-developed, their final detailed
> design.

>



> Give me a call, as soon as you've concluded what your patent
> guidance would be on such a case as this system. Thanks much.
> Brian Tussing
> (301)790-5866
> -5605(fax)
>
> --- Received from MACDGA.BT1891H (301)-790-5866
>
> John,
>
> Attached are documents that describe and spec'-out the
> Charge-Air Cooler Bypass Valve/System (CAC Bypass). The
> "CBy_Summ.doc" is the most useful, for patent of the idea,
> conceptual design,... along w/ the functional background. Please
> have a look-over, and let me know what you think.
>
> I'll assume that you will:
>
> 1) Run a patent search, on CAC Bypass/similar systems;
>
> 2) pursue a joint patent w/ G.W. Lisk;
>
> 3) other?
>
> NOTE: The "conceptual design sketch", in FIGURE 1 of CBy_Summ.doc,
> was my idea and sketch. It was one of two, very compact,
> 2-ports/valves (inversely proportional) in 1 valve-body* designs
> that I conceived of, and sketched. The other, w/ shafts in
> "parallel" (rather than this design, "perpendicular") was actually
> even more compact. We HAD to change G.W. Lisk's initial design
> concept - because it was not nearly compact enough to fit all of
> our Mack chassis.
> Lisk, then, DID create the "finished-part" of "detailed"
> design, after this, my conceptual design sketch.
> Dave Britner (Mack designer) performed the "system
> integration", including numerous inputs to packaging
> ("both types") the valves; and laying-out, designing,... tubes,
> elbows and brackets.
>
> Please let me know what the next step would be.
> Thanks, Brian (x5866)
>
> * - 2 valves "actuating" within 1 valve-body was design "idea"
> that we (Mack) at least "jointly" came to; AND we (Mack) worked
> very hard to design package the valve as such. This is important
> to point out, as our (Mack) original "White-Smoke Fix" (a CAC
> bypass system) was made up of 2 separate valves, only ON/OFF
> controlled. Previously, this was an Allentown/truck-chassis
> system, and could not be packaged as a single valve-body. This
> design has these 3 significant advantages:
>
> A) 2 valves / 1 valve-body;
>
> B) inversely proportional valves (the "white-smoke fix" had 2
> valves, independently controlled);
>
> C) valve (both) are "proportionally controlled" ("white-smoke
> fix" system was "ON/OFF, only.)
>
> ---- Sent to -----

> -> MACDGA.JC6493A CESANEK-JOHN ENG-1740
> CC:
> -> MACDGA.DB6075H BRITNER-DAVID ENG-1730
> -> MACDGA.CS1718H SMITH-CHRIS ENG-1730
>
> ---- ---- Sent to ----
> -> grepper(a)rfek.com
>
> -----
> Name: cby_summ.zip
> cby_summ.zip Type: Zip Compressed Data (application/x-zip-compressed)
> Encoding: BASE64
>
> Name: cac_by-2.zip
> cac_by-2.zip Type: Zip Compressed Data (application/x-zip-compressed)
> Encoding: BASE64